

**Call to Order:**

The meeting was called to order at 7:43 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi (arrived at 7:45 pm), Selena Goldberg (arrived at 7:45 pm), John McDonnell (arrived at 8:30 pm), and associate member Joan Duff; also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley.

**Planning Session Town Meeting update:**

Mr. Materazzo reviewed his memo to the Board dated December 30, 2008 on the upcoming warrant articles for Town Meeting. Ms. Byerley reviewed what streets will be presented for street acceptance and noted that Granli Drive, Fun Flight Circle and West Hollow will be taken by eminent domain. Mr. Materazzo continued to review town meeting warrant articles including the town yard article. The Board questioned whether the town will buy or lease the land for the town yard. Mr. Materazzo noted he would have the Town yard Task Force report back the Board and Present an update at a later date. Mr. Materazzo reviewed eight sites that are ideal candidates for the 43D program, which are further elaborated upon in his memo to the Board dated December 30, 2008. Ms. Anderson questioned the obligations of opting into the 43D. She expressed concerns over the 120 day timeline and questioned whether the permitting process would be in place prior to these sites being approved. Attorney Mark Johnson noted that he has worked with clients who have made the decision to move their business and the importance of a timeframe is to his clients because they have to act quickly and don't want to be bogged down by the permitting process. Mr. Materazzo noted that all of the properties he has identified are already permitted and are shovel ready or have been built and are sitting vacant. He also noted that the sites do not become live until the application is submitted and approved by the interagency board.

**180 Abbot Street:**

The Board opened the public hearings that were continued from the November 25<sup>th</sup> meeting on an application by Mike Ristuccia for a Definitive Subdivision Plan and Special Permit for Earth Movement located at 180 Abbot Street. The Board reviewed the applicant's request to continue the public hearings without discussion dated January 9, 2009. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the public hearings without discussion until February 10<sup>th</sup> at 8:30 pm. **Vote** Unanimous (5-0)

**340 Salem Street:**

The Board took up the deliberations on an application by Piotr & Dorothy Romanus for a Definitive Subdivision Plan and a Special Permit for Earth Movement located at 340 Salem Street. The Board reviewed the applicant's submittal and agreed that the applicant demonstrated that the site could be developed in compliance with the Subdivision Rules and Regulations. The Board reviewed Ms. Byerley's memo to the Board dated January 9, 2009 including each of the applicant's waiver requests and their reasoning for the waivers. The Board also reviewed each of the abutters concerns including the character of the neighborhood, zoning, the creation of a pork chop lot, and the potential for future development. On a motion by Ms. Anderson and seconded by Ms. Goldberg the Board voted to grant approval of the application by Piotr & Dorothy Romanus for a Definitive Subdivision Plan entitled 340 Salem Street subject to the thirty-seven (37) conditions outlined in Ms. Byerley's memo to the Board dated January 9, 2009. **Vote** Unanimous (5-0)

**340 Salem Street (cont.):**

On a motion by Ms. Anderson and seconded by Ms. Goldberg the Board voted to grant approval of the application by Piotr & Dorothy Romanus for a Special Permit for Earth Movement entitled 340 Salem Street subject to the thirty-seven (37) conditions outlined in Ms. Byerley's memo to the Board dated January 9, 2009. **Vote** Unanimous (5-0) On a motion by Ms. Anderson and seconded by Ms. Goldberg the Board voted to grant approval of the waivers requested as associated with the Definitive Subdivision Plan and Special Permit for Earth Movement entitled 340 Salem Street specifically

Article XIII, Sec. VI.C.3-Pavement width

Article XII, Sec. VI.D.3-Sidewalks

Article XIII, Sec. VII.Q-Sidewalks

Article XIII, Sec. VII.O-Pavement

Article XIII, Sec. VII.P-Curbing

Article XIII, Sec. VII.S-Street Trees

Article XII, Sec. VI.F.9-Drainage Facilities on Separate Lots

For the reasons articulated under the history analysis on pages 1, 2, and 3 of Ms. Byerley's memo to the Board dated January 9, 2009. **Vote** Unanimous (5-0)

**Black Horse Lane:**

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the reduction of the Performance Guarantee to secure the proper construction and competition of the services and ways to \$58,400.00 as recommended by the Department of Public Works in a memo dated December 24, 2008. **Vote** Unanimous (5-0)

**Winterberry Lane:**

Ms. Byerley reviewed her memo to the Board dated January 9, 2009 including the HOA documents, quitclaim deed and tri-partite agreement which have been reviewed and approved by Town Counsel. Attorney Mark Johnson, representing the developer, reviewed some suggested revisions to the Tri-partite agreement and requested that the Board approve the document subject to a review by Town Counsel. Attorney Johnson also gave an overview of how the tri-partite agreement worked. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to accept and approve the HOA documents, the quitclaim deed and the tri-partite agreement subject to final approval by town counsel of the tri-partite agreement for Winterberry Lane subdivision. **Vote** Unanimous (5-0)

**Newport Circle:**

Ms. Byerley reviewed the quitclaim deed which establishes a non-disturbance zone for lot 4 and the declaration establishing the homeowners' association all of which was approved as to form by Town Counsel. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to accept and approve the quitclaim deed and the HOA documents for Newport Circle subdivision. **Vote** Unanimous (5-0)

**Rules and Regulation Governing the Subdivision of Land:**

The Board opened the public hearing that was continued from the December 9<sup>th</sup> meeting to consider amending Article XIII, §VI.C.5 by adding subparagraph (f) to the Rules and Regulations Governing the Subdivision of Land. Mr. Materazzo reviewed his memo to the

**Rules and Regulation Governing the Subdivision of Land (cont):**

Board dated December 2, 2008. Ms. Anderson reviewed her reasons for not agreeing with the proposed amendments. Mr. McDonnell reviewed the laws regarding a right-of-way and the property owners' rights within the right-of-way. The Board discussed a right-of-way and the property owners' rights within a right-of-way. Mr. Materazzo noted that from the town's perspective you would want proof of the applicant's right to make improvements to the way if it's part of a definitive plan. Mr. Materazzo noted he would e-mail the Ms. Anderson and Mr. McDonnell a copy of the proposed amendment for their comments and input.

**Adjournment:** The Board voted to adjourn the meeting at 9:30 p.m.